

**UNITED STATES DISTRICT COURT
SOUTHER DISTRICT OF TEXAS
MCALLEN DIVISION**

NORTH AMERICAN BUTTERFLY §
ASSOCIATION d/b/a THE §
NATIONAL BUTTERFLY CENTER §
and MARIANNA TREVINO WRIGHT, §
Plaintiffs, §

v. §

NEUHAUS & SONS, LLC; BRIAN §
KOLFAGE; WE BUILD THE WALL, §
INC.; FISHER INDUSTRIES; and §
FISHER SAND AND GRAVEL CO. §
Defendants. §

CASE NO. 7:19-CV-00411

PLAINTIFFS' MOTION FOR EXPERT TO APPEAR TELEPHONICALLY

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now counsel for Plaintiffs North American Butterfly Association d/b/a The National Butterfly Center ("Butterfly Center") and Marianna Trevino Wright ("Wright") and respectfully requests that their expert be allowed to participate telephonically in the Hearing set for January 9, 2020 (Temporary Restraining Order Hearing).

Background

On January 3, 2020, a hearing was held in the above referenced matter regarding a Temporary Restraining Order. It was discussed amongst the parties that witnesses, including Mark Tompkins, expert for Plaintiffs, would be allowed appear telephonically.

On January 3, 2020, counsel for Plaintiffs were instructed to submit a motion to the court so that their expert, Mark Tompkins would be able to call in to offer rebuttal testimony for the hearing set for January 9, 2020.

Request Relief

Counsel for Plaintiffs file this motion as instructed by the court, and respectfully requests that the Court allow expert, Mark Tompkins, to call in to give testimony at the hearing set for January 9, 2020.

Conclusion

For the foregoing reasons, Plaintiffs North American Butterfly Association d/b/a The National Butterfly Center (“Butterfly Center”) respectfully request that expert Mark Tompkins be allowed to participate in the Hearing on January 9, 2020, telephonically.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I hereby certify counsel for Plaintiffs conferred with counsel of all other parties, who indicated they are **UNOPPOSED** to the relief sought herein.

/s/ Javier Peña

Javier Peña

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 20, all counsel of record who have consented to electronic service were served with a copy of this document via the Court's CM/ECF system.

/s/ Javier Peña

Javier Peña